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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,962	03/24/2004	Masayoshi Shinham	44471/298742	4093

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EXAMINER

DUONG, THO V

ART UNIT PAPER NUMBER

3743

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,962	SHINHAMA, MASAYOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tho v Duong	3743	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4,6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 8 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/24/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 4,6 and 7 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species of figure 3, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/24/2004. The examiner agrees with the applicant that claims 1-3 and 8 are generic to all the species.

Applicant's election with traverse of species of figure 3 in the reply filed on 11/24/2004 is acknowledged. Applicant has not stated the ground of the traversal. Therefore, the requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

Claim 8 is objected to because of the following informalities: at line 3 of the claim, "an vehicle" appears to be a typographical error of "a vehicle". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuo et al. (JP 10103893A). Matsuo discloses (figures 2 and 6-7) a heat exchanger assembly comprising a smaller condenser (1) configured to condense a refrigerant by an

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air flow for a vehicle conditioner; a larger radiator (20) configured to cool an engine coolant; a heat exchanger tubes (5,35) arranged side by side with each other; outer fins (6) interposed between neighboring heat exchanger tubes; and header pipes (7,11,21 and 22) connecting and communicating with both ends of the heat exchanger tubes; a side plate (31) are fixed to ends of the radiator and the condenser; and a reservoir (3) in communication with the header pipe (11) and being fixed to both the header tank (11) and a further header pipe (21) of the radiator by a means (25). Regarding claim 3, the radiator (20) is considered to be the front most one of the heat exchanger from an engine view of point and the reservoir (3) is located at the back of an intake (23) of the radiator (20).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura (US 5,875,836) discloses a structure for attaching a fan shroud to a heat exchanger.

Watanabe et al. (JP 11153395A) discloses an integral type heat exchanger for automobile.

Gille (US 6,607,025) discloses a heat exchange module for a motor vehicle.

Nippondenso Co LTD (JP 11129736A) discloses a mounting structure for receiver integrated air conditioner in vehicle.

Hoyle (US 2004/0094288A1) discloses a vehicle condenser fluid connection and mounting bracket combined as a single item.

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Shibata et al. (JP 2002137626A) discloses a cooling unit.

Ozaki et al. (US 6,789,613) discloses a double heat exchanger for vehicle air conditioner.

Katayama Kiyoshi (JP 2002081886A) discloses an integral heat exchanger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F (first Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennet can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tho v Duong  
Examiner  
Art Unit 3743

TD  
January 27, 2005